IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WEALTH TAX APPLICATION NO.3 OF 2000

The Commissioner of Wealth Tax
Bombay City XIV, Bombay .. Petitioner
V/s
Shri.B.C.Thadnai .. Respondent

Mr.P.Daniel for the Petitioner.

CORAM: S.RADHAKRISHNAN &
J.H.BHATIA, JJ.

DATE : 01/07/2005.

P.C.:

1. Heard the learned Counsel for the Petitioner/Applicant. By this Application, the Petitioner/Applicant has sought to raise the following substantial question of law:-

"Whether on the facts and in the circumstances of the case the Income-tax Appellate Tribunal was right in upholding the order of D.C.(Appeals) wherein he had deleted the addition of Rs.22,28,270/- to the net wealth of the assessee on account of interest from M/s.Lalwani Brothers? "

2. We have perused the order of the Income Tax Appellate Tribunal dated 10.1.1994. The Tribunal has very clearly observed that during those years no interest was credited to the Profit and Loss Account, and that the Assessing Officer has determined the interest receivable on notional basis, taking the rate of interest at 18%, and made the additions to the total income. The Tribunal has further observed that the recovery of the principal amount itself was in jeopardy and there is no question of any accrual of interest. The matter involves the question of finding of facts

only. There is no substantial question of law involved. Hence the Application stands dismissed.

(S.RADHAKRISHNAN J.)

(J.H.BHATIA J.)